

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:) Chapter 11
) Case No. 00-04471 (RJN)
ARMSTRONG WORLD INDUSTRIES,) Jointly Administered
INC., et al.,)
)
Debtors.) 

Thursday, September 26, 2002
8:00 a.m.
Courtroom 2A

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE RANDALL J. NEWSOME
United States Bankruptcy Court Judge

APPEARANCES:

WEIL, GOTSHAL & MANGES, LLP
BY: DEBRA DANDENEAU, ESQ.

and

KIRKLAND & ELLIS
BY: DAVID BERNICK, ESQ.
BY: KENNETH BASS, ESQ.
BY: STEPHEN HACKNEY, ESQ.
BY: BRETT BAKKE, ESQ.

and

SPRIGGS & HOLLINGSWORTH
BY: PATRICK HARKINS, ESQ.

Counsel for the Debtors

Hawkins Reporting Service
715 King Street - Wilmington, Delaware 19801
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1 when you have to do something to clean up.

2 Whether you have to go in and do an
3 extensive cleaning or you have to -- removal is
4 the ultimate answer, because you can put band-aids
5 on this problem. You can clean it up.

6 You can wash it. You can do the
7 walls if you have a release.

8 You can put thick layers of wax to
9 keep the asbestos in. But, ultimately, this stuff
10 has to be removed in order to remove the problem.

11 Your Honor, I'm going to rest so
12 that we can get on with the evidence.

13 THE COURT: All right.

14 Mr. Bernick, would you like to call
15 your first witness?

16 MR. BERNICK: Yes. Mr. Bass will
17 be handling the examination of our first witness.

18 THE COURT: All right. Fine.

19 MR. BASS: Good morning, Your
20 Honor. Our first witness we'll be calling is
21 Dr. William Hughson.

22 THE CLERK: Please place your hand
23 on the Bible and state your name for the record.

24 THE WITNESS: My name is William

1 George Hughson.

2

3 WILLIAM G. HUGHSON, Ph.D.,

4 the deponent herein, having first

5 been duly sworn on oath, was

6 examined and testified as follows:

7 THE CLERK: Thank you. You may be
8 seated.

9 DIRECT EXAMINATION

10 BY MR. BASS:

11 Q. Good morning, Dr. Hughson.

12 A. Good morning.

13 Q. Could you just tell the Court -- we're
14 going to go through some of your background and
15 qualifications fairly quickly. But if you could
16 just tell the Court where you got your medical
17 education.

18 A. Medical School in Calgary, Roberta,
19 Canada. University of Calgary.

20 Q. When did you get your medical degree?

21 A. 1973, Calgary.

22 Q. And did you have any other postgraduate
23 degrees?

24 A. Yes. I have a doctorate of philosophy in

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1 epidemiology from Oxford University.

2 Q. And what was the basis on which you went
3 to Oxford?

4 A. I was a road scholar.

5 Q. And could you tell the Court a little bit
6 about your medical training, residency, and
7 fellowships, and so forth?

8 A. I did an internship at McGill University
9 in Montreal from 1973 to '74. My Ph.D. in Oxford
10 interrupted my clinical training.

11 I was at Oxford from 1974 to '77.
12 Came back to Montreal and did two years more of
13 residency.

14 And became board certified in
15 internal medicine, both in Canada and the U.S. in
16 1979.

17 Moved to San Diego in 1979 and did a
18 three-year fellowship in pulmonary diseases from
19 1979 to 1982.

20 Became board certified in pulmonary
21 medicine in 1982. I've been on the faculty of
22 University of California, San Diego since 1982.

23 And basically started occupational
24 medicine as a separate -- separate program there

1 that began when I was a fellow. Then I started an
2 asbestos program at the shipyards in San Diego.

3 I decided if I was going to be
4 credible in occupational medicine, I needed to
5 become certified. I took additional course work
6 and took the test, and became board certified in
7 occupational medicine in 1987.

8 Q. All right. And just so I'm clear, I
9 think you listed three board certifications; is
10 that right?

11 A. Yes.

12 Q. What are those?

13 A. Internal medicine, pulmonary medicine,
14 occupational medicine.

15 Q. All right. What is your current position
16 at the University of California, San Diego?

17 A. I'm a clinical professor of medicine, and
18 I'm the director of the UCS, the Center for
19 Occupational and Environmental Medicine.

20 Q. Could you tell the Court a little bit
21 about your responsibilities as the director of the
22 clinic?

23 A. It's a mix. We're now the second most
24 active outpatient program after the emergency

1 department.

2 And I have a fairly large staff, so
3 I have administering duties. I have clinical
4 duties where I see patients.

5 That's both in occupational medicine
6 as well as just general nonoccupational patients.
7 I teach, and I do some research.

8 Q. And specifically, in relation to
9 asbestos, does any of your work, either in
10 teaching or in the clinic, interact with issues
11 concerning asbestos?

12 A. Yes. I've had a long interest in
13 asbestos going back to 1980. So, certainly, many
14 of my cases are related to asbestos.

15 However, many are not. In the real
16 world, asbestos-related problems are a relatively
17 minor component. Things like asthma and other
18 types of lung disease are much more common.

19 Q. Have you published any articles in the
20 medical literature?

21 A. About 30.

22 Q. And do any of those relate to asbestos?

23 A. A couple of them are, yes.

24 Q. And at this point, I would -- let me ask

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1 you this --

2 MR. BASS: Can I approach the
3 witness, Your Honor?

4 THE COURT: Yes.

5 BY MR. BASS:

6 Q. This is Armstrong, AWI Hearing Exhibit V.

7 Dr. Hughson, can you just identify
8 for the record what Exhibit V is?

9 A. It's a copy of my CV.

10 Q. All right.

11 MR. BASS: Your Honor, at this
12 point, Armstrong would move the admission of
13 Dr. Hughson's CV.

14 MR. REICH: No objection, Your
15 Honor.

16 THE COURT: It's admitted.

17 BY MR. BASS:

18 Q. Now, Dr. Hughson, do you keep abreast of
19 the medical literature on asbestos?

20 A. I try.

21 Q. Could you just describe the time period
22 that you've done that and how you go about it?

23 A. Nowadays, we just use the computer. It's
24 easy to fire up a search of the National Library

4 That's what I care about. That's
5 what causes disease.

6 Some glob of vinyl or asphalt may or
7 may not be respirable is not what I'm worried
8 about.

9 Q. And do you, as an expert in epidemiology
10 and occupational diseases caused by asbestos, do
11 you have any basis on which you could translate
12 data that's reported in structures into risk?

13 A. Not in the literature that's out there
14 that's being done for the last 50 years, no.

15 Q. You're not aware today of anybody who's
16 come up with a way to translate structures into
17 fibers per cc year?

18 A. I think to specify, in terms of settled
19 dust, I'm not aware of any -- anyone who has tried
20 or is validly trying to use settled dust in -- as
21 an index of risk.

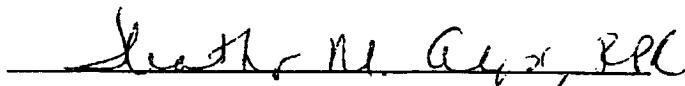
22 MR. REICH: Objection, Your Honor.
23 Dr. Hughson has not been qualified as an expert on
24 settled dust methodology.

1 State of Delaware)
2 New Castle County)
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6 CERTIFICATE OF REPORTER

7
8 I, Heather M. Alford, Registered
9 Professional Reporter and Notary Public, do hereby
10 certify that the foregoing record, Pages 1 to 470
11 inclusive, is a true and accurate transcript of my
12 stenographic notes taken on September 26, 2002, in
13 the above-captioned matter.

14
15 IN WITNESS WHEREOF, I have hereunto set my
16 hand and seal this 7th day of October, 2002, at
17 Wilmington.

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20 

21 Heather M. Alford, RPR
22
23
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